

## Message Text

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ORIGIN EUR-04

INFO OCT-01 ISO-00 /005 R

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DRAFTED BY: EUR/RPE:RCMEIMAN

APPROVED BY: EUR/RPE:ACALBRECHT

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R 081440Z JUL 74

FM SECSTATE WASHDC

TO USMISSION EC BRUSSELS

USMISSION OECD PARIS

UNCLAS STATE 142711

FOLLOWING REPEAT STATE 142711 ACTION PARIS JUL 2, 1974

QUOTE UNCLAS STATE 142711

E.O. 11652: N/A

TAGS:ETRD, FR

SUBJECT:ANTITRUST: COMPAGNIE DE SAINT GOBAIN-PONT-A-  
MOUSSON

REFERENCE: A) PARIS 14355, B) STATE 121912

1. INITIAL DEPARTMENT REACTION TO REFTEL WAS FAVORABLE,  
AND TELEGRAM WAS UNDER PREPARATION APPROVING EMBASSY PLAN  
TO DELAY GOF NOTIFICATION. FEDERAL TRADE COMMISSION (FTC)  
HAS JUST INFORMED US, HOWEVER, THAT ST. GOBAIN IS AWARE OF  
THE INVESTIGATION AND HAS ENGAGED LOCAL COUNSEL IN  
WASHINGTON. ST. GOBAIN'S WASHINGTON COUNSEL IS NOW IN  
CONTACT WITH THE FTC CONCERNING THE ANTITRUST INVESTIGA-  
TION.

2. IN VIEW THIS DEVELOPMENT, IT WOULD SEEM THERE IS NO  
LONGER NEED TO DELAY GOF NOTIFICATION IN ORDER TO AVOID  
POSSIBLE ADVERSE IMPACT ON ST. GOBAIN'S PLANS TO INVEST  
IN US. ON CONTRARY, HOWEVER, GOF WILL UNDOUBTEDLY SOON  
LEARN OF THE INVESTIGATION AND COULD LEGITIMATELY COMPLAIN  
ABOUT LACK OF TIMELY USG NOTIFICATION UNDER 1967 OECD  
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NOTIFICATION AND CONSULTATION PROCEDURE. OECD PROCEDURE

RECOMMENDS QUOTE...THAT IN SO FAR AS THEIR LAWS PERMIT,  
WHEN MEMBER COUNTRIES UNDERTAKE UNDER THEIR RESTRICTIVE  
BUSINESS PRACTICES LAWS AN INVESTIGATION OR A PROCEEDING

INVOLVING IMPORTANT INTERESTS OF ANOTHER MEMBER COUNTRY,  
THEY SHOULD NOTIFY SUCH MEMBER COUNTRY IN A MANNER AND AT  
A TIME DEEMED APPROPRIATE. NOTIFICATION SHOULD, WHERE  
APPROPRIATE, TAKE PLACE IN ADVANCE IN ORDER TO ENABLE THE  
PROCEEDING MEMBER COUNTRY, WHILE RETAINING FULL FREEDOM  
OF ULTIMATE DECISION, TO TAKE ACCOUNT OF SUCH VIEWS AS THE  
OTHER MEMBER COUNTRY MAY WISH TO EXPRESS AND OF SUCH  
REMEDIAL ACTION AS THE OTHER MEMBER COUNTRY MAY FIND IT  
FEASIBLE TO TAKE UNDER ITS OWN LAWS TO DEAL WITH THE  
RESTRICTIVE BUSINESS PRACTICE. ...UNQUOTE

3. UNLESS FURTHER OBJECTIONS ARE PERCEIVED, EMBASSY IS  
REQUESTED TO NOTIFY THE GOF IN ACCORDANCE WITH 1967 OECD  
NOTIFICATION PROCEDURE. EMBASSY MAY WISH INFORM GOF THAT  
INVESTIGATION IS IN VERY PRELIMINARY STAGE AND IT WILL BE  
SOME TIME BEFORE ANY DECISION IS REACHED AS TO WHETHER  
FORMAL ACTION WILL BE NECESSARY. UNQUOTE SISCO

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